

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Asselman	Team: Squad #04	CCRB Case #: 202208771	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/21/2022 8:00 PM	Location of Incident: Inside 47th Pct Stationhouse	18 Mo. SOL 6/21/2024	Precinct: 47
Date/Time CV Reported Fri, 12/23/2022 2:57 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 12/23/2022 2:57 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Christopher Garcia	06400	970536	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Winghong Lau	24578	942041	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.PO Christopher Garcia	Force: Police Officer Christopher Garcia used physical force against § 87(2)(b) [REDACTED]	

Case Summary

On December 23, 2022, § 87(2)(b) filed this complaint in person at CCRB.

On December 21, 2022, at approximately 8pm, § 87(2)(b) visited the 47th Precinct stationhouse in The Bronx, to file a complaint regarding an individual harassing him by hacking his phone and interfering with his transactions and navigation systems. PO Christopher Garcia, of the 47th Precinct, pushed § 87(2)(b) leading him down steps that led out of the stationhouse (**Allegation A: Force, § 87(2)(g)**).

This incident did not result in any arrests or summonses.

The CCRB did not obtain BWC or stationhouse security footage depicting this incident.

Findings and Recommendations

Allegation (A) Force: Police Officer Christopher Garcia used physical force against § 87(2)(b)

§ 87(2)(b) drove to the 47th Precinct stationhouse, located at 4111 Laconia Avenue in The Bronx, to report an individual he believes is a private investigator, who sends him harassing messages through his cellphone, and controls his interactions, transactions, and navigation systems (Board Review 01). PO Garcia and PO Winghong Lau told § 87(2)(b) that he could file a complaint if he could show them the harassing messages directly on his phone. He argued that once he opens said messages, they disappear from his phone. PO Lau and PO Garcia asked to see the evidence on § 87(2)(b) phone approximately five times. § 87(2)(b) then saw, Sgt. Marlon Wright, who he knew as his girlfriend's cousin, and waved at him while saying his name to get his attention. PO Garcia grabbed § 87(2)(b) left shoulder, lifted his arm, and pushed him down the steps leading to the exterior of the stationhouse.

The CCRB obtained stationhouse security camera footage depicting the interior and exterior of the entrance to the 47th Precinct stationhouse, as well as the civilian waiting area, from 7:30pm to 9pm on December 21, 2022 (Board Review 02). This footage does not depict § 87(2)(b) at the 47th Precinct stationhouse. It does not depict any interactions between him, PO Lau, or PO Garcia.

PO Garcia stated that he returned to the stationhouse from his sergeant operator assignment for his meal break (Board Review 03). PO Garcia was near the front desk, which is a few feet away from the public waiting area, when he heard § 87(2)(b) yelling while speaking to PO Lau. PO Garcia approached them to deescalate and learned that § 87(2)(b) wanted to file a complaint and did not have the proper documentation to do so. § 87(2)(b) was being "disorderly and loud," and PO Garcia asked him to leave the stationhouse. § 87(2)(b) refused by remaining in place. Though he did not recall who made the decision to eject § 87(2)(b) from the station house, PO Garcia did so by placing one of his hands on § 87(2)(b) stomach area and guiding him out of the stationhouse. PO Garcia's involvement in this incident ended once § 87(2)(b) was outside.

PO Lau did not have any recollection of this incident (Board Review 04). He is often assigned to stationhouse security and frequently interacts with civilians who visit the 47th Precinct stationhouse. From his experience, ejections of civilians from the stationhouse can occur as frequently as once every two months. He did not have any recollection of a male civilian claiming to personally know Sgt. Wright.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one CCRB complaint and has been named as a victim in one allegation (Board Review 05):
 - § 87(2)(b)
- PO Christopher Garcia has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 10, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: _____ #4

Investigator:	<u>Sara Asselman</u>	<u>Inv. Sara Asselman</u>	<u>07/13/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>07/13/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date